

OATH of ABJURATION

DISPLAYED

In its sinful Nature and Tendency, in its Inconsistency with Presbyterian Principles and Covenants; the Security it affords to the Church of England.

Together with some REMARKS upon the Evasions and Explications offered thereupon, by the Ministers who took it, shewing them to be Contradictory to the Sense of the Oath, and Meaning of the Imposers.

Being the Copy of a Letter sent to one of the Jurant-Ministers of the Presbytery of Damblane.

Lech. 8. 17. And love no false Oath,

Ille qui Hominem provocat ad majorem Jurationem, et scit eum falsum juraturum esse, vincit Homicidam: quia Homicida Corpus occisurus est, ille Animam, imo duas Animas, et ejus quem jurare provocavit, et suam. Augustin. de Decollatione S Joan Baptist.

Quicumque Arte Verborum quis juret, DEUS tamen, qui Conscientia Testis est, ita hoc accipit, sicut ille cui juratur, intelligit. Ibid. de Jura. bon.



The Publisher to the Reader.

Christian Reader,

HAVING procured a Copy of this Letter from the Author, and finding it to be useful for discovering the sinful Nature and Circumstances of the Abjuration Oath, in its Imposition and Acceptance, and especially for unfolding the Contradiction and Inconsistency of the Explications and Limitations, that were put upon it, by some who swore it; both to the known Design of the Lawgivers, and to the Words of the Oath: I have therefore, adventured to make it publick; for tho' there have been some very good and worthy Treatises published against the Oath it self; yet, neither are they generally among the Hands of the common People, whose Information is the great Design of this, nor yet do any of them treat of these Explications: And therefore some thing of this Nature seemed the more necessary, to inform such as were in Danger to be imposed upon, with these sham Evasions and pretended Explications. And that People may have the Oath at hand, to compare and consider, I have here set down the Tenor of the Oath, together with the part of the second Act of Parliament, which is the just Ground of Scrupulous Presbyterians have against this Oath.

The OATH of ABJURATION, as the same stands in Cap. 14. Anno Regni Annæ Reginae, et DOM. 1707. Page. 2548, Stat. at large; Intituled, An Act for the better Security of Her Majesty's Person and Government.

I A. B. Do truly and sincerely Acknowledge, profess, Testify and Declare in my Conscience, before GOD and the World, That Our Sovereign Lady Queen *ANNE*, is Lawful and Rightful Queen of this Realm, and of all other Her Majesty's Dominions and Countries thereunto belonging. And I do solemnly and sincerely Declare, That I do believe in my Conscience, the Person pretended to be *Prince of Wales*, during the Life of the late King *James*, and since his Decease pretending to be, and taking upon himself the Stile and Title of *King of England*, by the Name of *James the Third*, or of *Scotland*, by the Name of *James the Eighth*, or the Stile and Title of *King of Great Britain*, hath not any Right or Title whatsoever to the Crown of this Realm, or any other the Dominions thereunto belonging; And I do Renounce, Refuse and Abjure, any Allegiance or Obedience to him. And I do Swear, That I will bear Faith and true Allegiance to her Majesty *Queen Anne*, and Her will defend to the utmost of my Power against all Traiterous Conspiracies and Attempts whatsoever, which shall be made against Her Person, Crown or Dignity; And I will do

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my utmost Endeavour, to disclose and make known to Her Majesty and Her Successors, all Treasons and Traiterous Conspiracies, which I shall know to be against Her, or any of them. And I do faithfully Promise, to the utmost of my Power, to Support, Maintain and Defend the Succession of the Crown against him the said James, and all other Persons whatsoever, as the same is, and stands settled by an Act, Intituled, *An Act declaring the Right and Liberties of the Subject, and settling the Succession of the Crown to Her Present Majesty, and the Heirs of Her Body, being Protestants*; and as the same by another Act, Intituled, *An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject*, is, and stands settled and entailed after the Decease of her Majesty, and for Default of Issue of Her Majesty, to the Princess Sophia, Electress and Duchess Dowager of Hannover, and the Heirs of her Body, being Protestants. And all these things I do plainly and sincerely Acknowledge and Swear, according to these express Words by me spoken, and according to the plain and common Sense and Understanding of the same Words, without any Equivocation, Mental Evasion, or secret Reservation whatsoever. And I do make this Recognition, Acknowledgement, Abjuration, Renunciation and Promise, Heartily, Willingly and Truly, upon the true Faith of a Christian. *So Help me GOD.*

Follows the Qualifications of the Succession scrupled at.

* That whosoever shall hereafter come to the Possession of this Crown, shall joyn in Communion with the Church of England, as by Law established.
 * That every King or Queen of this Realm, who shall come to, and succeed in the Imperial Crown of this Kingdom, by Vertue of this Act, shall have the Coronation Oath administered to Him, Her, or Them at their Respective Coronations.

Follows the Part of the Coronation Oath scrupled at.

The Arch-Bishop, or Bishop shall say,

* Will you preserve unto the Bishops & Clergy of this Realm, and to the Churches committed to their Charge, all such Rights and Privileges as by Law do, or shall appertain unto them, or any of them?

King and Queen shall say,

All this I promise to do. . . . *So Help me GOD.*

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S I R,

Although you have not been pleased to Vouchsafe me the favour of your Acquaintance and Converse, tho' I have been now some Years residing in the Parish whereof you Claim the Pastoral Charge; yet, I hope you will not look upon it as Rudeness or uncivility that I presume to give you the trouble of this, craving your Candid and ingenuous Solution of some *Scruples* concerning the *Abjuration Oath*, which I could wish to have satisfislyngly removed: For albeit I be under no Tentation personally to take that Oath, as having neither any Post, Preferment, or fat Benefice to be deprived of which, I must own, are very weighty and prevealing Motives with many to embrace it, nor yet being in hazard of undergoing the Horrid Penalty of an insupportable Fine, Namely 500 Pound Sterling, whereby the Parliament makes Men take it *Heartily willingly, &c.* Yet I conceive its every ones Concern to be rightly informed in a Matter that so nearly affects the *Presbyterian* Interest, as this Oath is said to do: And if it be the Duty and Interest of all the Friends of *Presbyterian* Church Government, Worship and Discipline, to come to a right state of this Controversie, so much Canvassed and agitated among the Learned in this Kingdom, then it must consequently be mine: And to whom should I betake my self for due Information in this Affair, if not to you, whose Character is a sufficient Apology for bringing such Difficulties to you for Solution, and whose Practice speaks you no less than an Oracle in the present Affair, being you are a *Jurant* your self, if my information be good, and not a little active to have others so too? Nor need I Apologize in the Entry, for my coming so late and as it were in the lag-end of the Business, when the Date prefixed by the Parliament for taking of the Oath is now over; your own Sagacity will easily perceive the Reason, tho' I should be silent; Namely, that those who of all others were most concerned to have plainly discovered what was Sin and Duty in the Affair, were so much Masters of Policy and Prudence, as wholly to suppress their Thoughts and Sentiments concerning it, till the Event should make it appear, whether the Imposers would remit any thing of their rigorous Sanctions, and grant some Indulgence to tender Consciences, the Number whereof had been perhaps greater than now it is, had such an Indulgence been granted; but now that the Date is commenced, and *Exitus acta probat*, the Event has discovered who have complied with the Imposition, its Presumeable that you



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you and others will be no more shy to Unbosome your Thoughts upon the Head. And upon this Confidence I propose my Difficulties in the following *Queries*.

I. Whether the Civil-Magistrat's frequent imposing of *Publick Oaths* upon Ministers of the Gospel be not a very effectual way to lessen the Credit and Reputation of the Ministry among the People, and so to render the Gospel the less successful? The day has been when the Word and Profession of a Minister of the Gospel would have been thought more Sacred and inviolable, than now it seems their Oaths are held to be: I doubt if there can be an instance produced that ever the Government imposed any publick Civil Oath upon *Presbyterian* Ministers in *Scotland* before the late Revolution. And do not these Ministers who comply with, and actively submit to the so frequent imposition of them very much expose the Ministry? Do they not stumble the profane and ignorant, by making them think that Ministers are of all Men least to be Trusted, when their Publick Professions of Loyalty in General Assemblies, by Letters and Addresses, their publick Prayers for the Government, their keeping of Fasts and Thanksgivings at the Civil Injunction, and their giving all other Discoveries of Loyalty, whereof they are capable cannot sufficiently secure the Government of their Fidelity without the Repeated Assurances of *Publick Oaths*? Do they not harden the wicked in their too common practice of taking and giving publick Oaths, and repeating the same Oaths perhaps six times a day for different Offices? Do they not diminish from the Reverence and Fear of Oaths, which used to be impress even upon Natural Consciences, by making it so common and Customary to Swear to the Government? Do they not sadden the Hearts of the Godly, and loose their Affections from themselves and others of the Ministry, by their showing so little Tenderness to the Honour of that *Holy and Fearful Name*, which is interposed in these reiterated Oaths? Do they not expose the *Presbyterian* Establishment, to the Ridicule and Mockage of the Enemies thereof, both here and in *England*, who watch all Opportunities of casting Dirt and Disgrace upon it?

II. Supposing that such frequency of reiterating of *Publick Oaths*, without the the least Colour or shew of Reason, were tolerable; yet is it not a most suspicious like Business, that Oaths conceived in such strict Terms should be imposed upon, and accepted by Ministers? The Principles that *Presbyterians* Espouse in their Confession of Faith, make it a very superfluous piece of Nonsense to put such a Sentence into an Oath imposed upon them, as we find in the Conclusion of the *Abjuration*, Viz. *All these things I do plainly and sincerely acknowledge and Swear, according to these express words by me spoken, and according to the plain and common sense and understanding of the same Words, without any Equivocation, Mental*
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Evastion, or secret Reservation whatsoever. One would think that all these strict Bonds were designed to bind some *Jugling Jesuit* or other, and to secure the Loyalty of some that had no fear or sense of an Oath, and that had given proof of their swearing with reserved shifts to elude the Obligation of their Oaths formerly? And is not the swearing in such Terms a formal Acceptance of such a black Charge, and a purging of themselves of the like Designs for the future?

III. Are there not many dubious and dark Phrases, words and sentences, in this *Oath*, which none but those that have some considerable Acquaintance with the *English* Lawscan understand, so as to Swear with Judgement? And can it be Rationally thought, that the Ministerial Employment will allow so much spare time as may suffice a Minister for gaining so much Acquaintance with the *English* Laws, Customs and Phrases, as were needful for understanding this long, intricate and complex Oath? 1. The meaning of these Phrases [*I declare in my Conscience and believe in my Conscience*] is not very obvious to common understandings: For either it is a Swearing by the Conscience according to the too common practice and way of Swearing (by my Soul, by my Faith, by my Conscience. &c.) Or it imports a conscioulness and intimate knowledge of the things declared, which I am sure was no easy attainment; or it is a declaring of the inward Sense and Thoughts of the Soul, and so looks too like the old Tyrannical way of making Men express their private Thoughts upon ticklish political points, and so making them their own Accusers. And as for *Believing*, I never heard it ascribed to the Conscience but only in this Oath. Philosophers make it an Act of the *Mind*, and the Scriptures make it to be Seated in the *Heart*; but the Conscience I find still to be called a *Reflecting* not a *Believing* Faculty. 2. In these Words [*I declare that Our Sovereign Lady Queen ANNE is Lawful and Rightful Queen of this Realm, and all other of Her Majesty's Dominions and Countries thereunto belonging*] there are two very knotty difficulties; the one concerning the *Nature* of the *Right* asserted, the other respecting the *Object* of the same *Right*. As for the first, it is doubtful whether the *Right* asserted be only *Parliamentary* founded upon the Election of a free People by their Representatives, or if it be also that which is more dear to Princes, called *Hereditary Right, jus Sanguinis, or Right of Blood*: That the latter is clear from several pregnant Presumptions; namely that the Queen's Hereditary Right of Succession was strongly asserted, and many things advanc'd for it in Parliament, at the Tryal of Doctor *Sacheverel*, and neither Houses ever deny'd or impung'd it. And likewise Doctor *Blackhall* who in a Sermon before the Queen Asserted it in very full Terms, telling Her that *She derived Her Power from God alone*, and from no Men upon Earth, was so far from being Impeach'd of Treason against the State, or dislik'd by the Queen, that he was soon bless'd with a fat Bishoprick for his pains. And if the Queen's Hereditary Right be declared in this Oath, as many think it is, then where are the Revolution Principles? Again as

as to the second, the Object about which the Right is asserted, to wit, [*This REALM and the Dominions and Countries thereunto belonging*] there is no less difficulty to understand it; if by (*this REALM*) be meant, as it was in the first framing of this Oath, the *Kingdom of England*, I see not what Sense it can bear in a *Scots Man's* Mouth. And if it mean the *united Kingdom of Great-Britain*, many think it must infer an owning and acknowledgement of the *Treaty of Union*, whereby the whole Foundations of our Ancient Monarchy, Sovereignty, Independency, Liberty and Honour are sapped, and our Sacred Covenants, for the Defence of Religion and Liberty, broken and made of none Effect. 'Tis also a very intricate Business, to know and assert upon Oath, the Queen's Right to many of the Dominions and Countries belonging to *Britain*, or which the Kings of *Britain* use to claim a Right. Is it not very hard to make Oath that the Queen has a Right to *France*, to *New England*, to *Nova Scotia*, to the *South-Sea-Trade*, and in short to all the *American Plantations* claimed by the *English*? 3. In the *Abjuration* Part, 'tis not very obvious what may be in the Bosom of *Renouncing all Allegiance and Obedience to the Pretender*; *Renouncing* in our ordinary Language imports a former owning & acknowledgement of the thing *Renounced*; so a Papist is said to *Renounce* Popery, because he formerly adhered to it: And if it mean so in this Oath, it casts a very infamous Reflection upon the *Jurants*, as if notwithstanding their highest Expressions of Loyalty to the Queen and Government, in repeated Oaths and Addresses, they had all this while had a squint Look over the Channel to *St. Germans*. The Extent of *Abjuring* is also uncertain, whether it mean for ever, or only so long as the Parliament pleases to seclude Him? The Nature of the Right *abjured* is by many accounted doubtful too, whether it be *Parliamentary* only, or the Right of Blood? But for my part, I think there can be little or no doubt about it, that both these, and whatever other Kinds of Right *Jurists* use to enumerate are *abjured*: Else, what should the universal Term [*ANY Right WHATSOEVER*] Signifie? So that unless you can produce some sufficient Restriction of this universal Term, I hope you will excuse me and others, if we think, That you have sworn *That the Person pretended to be Prince of Wales, &c. is not the Lawful Son of King Ja. VIth.* And I would gladly be informed how you came to a full Assurance, that might found a sufficient Persuasion of that Matter, so as to swear with Judgment and Certainty? I assure you, *Sir*, I am as far from asserting that the Pretender is King James's Son as you, or any Man in *Europe*, as being perfectly uncertain whether he be so or not: But I must say, 'tis hard to affirm upon solemn Oath, that he is not. 4. In the *Promisory* part [*To defend the Queen against all Traiterous Conspiracies and Attempts whatsoever, which shall be made against Her Majesty, &c. &c. &c.* And to do the utmost Endeavour to disclose all Treasons, and Traiterous Conspiracies, &c.] there wants not some considerable Diff-

culty, both in Order to know what the Laws make to be *Treason*, and the Traiterous Conspiracies; and when they are known, to disclose them to the Sovereign. And if it be no small Labour to find out what is *Treason* for the present, how much harder must it be, to know what may be made so for the Future? Charges of *Treason* are not so fixed, but that they may be altered at the Parliament's Pleasure. You see the Parliament can make *Unalterable Stipulations, Acts of Security &c.* as variable as they think fit, and can they not alter Charges of *Treason*? It was *Treason*, some few Years ago, to subvert the Foundation of the Parliament of *Scotland*, and now it is not. It was moved not very long since, that it should be *Treason* to say, *That the Queen and Parliament have it not in their Power to alter the Succession.* And a Triennial Parliament is not elapsed, since it was moved, that a Bishop, who appeared for the *Revolution Principles of resisting Princes that would subvert the Constitution*, should be brought to the Bar of the House, upon an Attaindre of *Treason* for his Pains: And who knows then, how soon the very *Measures of the Revolution* may be made *Traiterous Conspiracies*? Again under the Queen's Dignity, many think, that her *Ecclesiastical Supremacy* may very fairly be comprehended; 'tis certain from what she writes in her Letter to her *Houses of Convocation*, that she claims this, as a part of her Dignity, and resolves to maintain the same against every one that would invade it: And it will bear a little hard upon *Presbyterians*, to swear to support that Branch of her Dignity, which being first claimed unjustly by the *Pope*, was transferred from him and set upon the Head of King *Henry VIII.* But belongs to no *Pope* or Monarch upon Earth, but to him only, *Who hath a Name written upon his Vesture*, that he is *KING* of *KING's* and *LORD* of *LORD's*. The promising, [to maintain the Succession of the Crown to *Princess Sophia*, & the *Heirs of her Body being Protestants*, against him the said *James* and *ALL OTHER PERSONS WHATSOEVER*,] is another very extensive Obligation, that is not easily fathomed; for besides that it extends to a Succession of as many Generations, as may descend of the Family of *Hannover*, and binds to Allegiance to them before they come to be in actual Possession; and without any Certainty, whether they will renounce the *Lutherian Errors*, or take the *Scottish Coronation Oath* (for we must not speak of the *Covenants*) to support and defend the Established Church of *Scotland*; which seems very hard for *Presbyterians*, thus to preengage their Allegiance, before they have any mutual Stipulations of the Sovereign: It moreover excludes, from all Hope of Succession to the Crown of *Britain*, not only the *Pretender*, but also the *Calvinish Family of Prussia*, which is not much further from the Crown, in Point of Hereditary Right, than the Family of *Hannover*: Which I think deserves so much the more to be remarked; because, if not you, yet some of your Brethren have the Confidence to say, *That the only Design of the Oath is, to seclude Popish Sovereigns, as they are, and because they are Popish*; and with this artificial

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When they have ratified it so nicely, that they dare affirm it to be worthy of every Protestant, and that he is not a Loyal Subject, nor true Protestant will refuse it. The last Words of the Oath, wherein the Swearer, declares, That he takes it, upon the true Faith of a Christian, want not their own Difficulty neither. The Phrase is so Englished, that it sounds a little harsh in a Scots Man's Ear: For my part I desire to learn of you what it may imply, whether it means, *As the Swearer hopes to be saved*, or *As he believes a true Article of the Christian Faith*, or *That he swears with the Fidelity, and will perform with the Constancy that becoms a Christian?*

Now all these things being so involved and perplexed in their Nature and Terms, besides the many various particulars contained in the Acts of Parliament referred to by the Oath, and the Oath containing diverse things, which require great Insight into the Civil Rights and Titles of Princes, and consisting of so various Obligations and Propositions, whereof some are *Affertory*, some *Promissory* and some *Abjutory*; Is it not too great a Weight, to be laid upon the Back of a Minister of the Gospel, who has other Work to mind, than to determine of the Justice or Injustice of the Civil Claims of Princes? And is it not safer by far, both in Point of Conscience and Prudence, for every pious and prudent Man, to refuse such an Oath, offered in so doubtful Terms, than to involve his Conscience into a Labyrinth of such inextricable Difficulties?

V. Whether the Particle (*AS*) Reduplicates upon the two Acts of the English Parliament, to which the Oath refers? Or if it be only a simple Citation of the Acts, wherein the Succession is established in the Family of *Hammer*, so that (*AS*) is only equivalent to (*WHICH?*) And if the former be true, then whether the whole of these Limitations specified in the said Acts, are not as really a part of the Oath, as if they were expressly in so many words let down and sworn in the Body of the Oath? And consequently whether it be suitable to Presbyterian Principles, to swear, *That the Successor to the Crown of Great Britain shall in all time coming be of, and join in Communion with the Church of England, as now by Law established*, that is, with a Church that maintains the Popish Hierarchy and Ceremonies? And whether Presbyterians who profess to adhere to the National and Solemn League and Covenant, to extirpate *Papery* and *Prelacy*, and especially such of them as have formally Subscribed the Covenant (as I am informed you did in presence of the Eldership of your Parish) can without very direct Perjury, swear to be in their place and station, Guarantees for the Successors taking the Coronation Oath of England, to maintain and preserve unto the Bishops and Clergy of this Realm (to wit, Great Britain, as it is taken in the Body of the Oath) and to the Churches committed to their Charge, all such Rights and Privileges as by Law do, or shall appertain unto them, or any of them?

Or whether they can with a good Conscience contribute their Assistance to keep the Successor from the Crown, providing he should scruple, (as justly he may) to swear that sinful Coronation Oath? All this is undeniably included in these Acts, besides several other intricate particulars. And if the Particle (AS) do reduplicate upon the Acts, these things are infallibly included in the Oath; And therefore I suppose you'll grant with me that it deserves the narrowest research, whether these Acts be to be accounted a part of the Oath or not: The Reasons which have always inclined me to think, that they are really a part of it, I shall here lay before you, that if they be not concludent you may show me where in the Fallacy lyss. 1. Because the most obvious, plain and unstrained sense of the Particle (AS) in reference of this kind, is Reduplicative, and inclusive of the thing which is referred to by it. 2. Because it is abundantly plainly, that this Oath was calculate for the Meridian of the Hierarchick Government of the English Church, by such as are superlatively zealous for advancing Prelacy. And seeing there are Clauses in the Acts referred to by the Oath, which contribute not a little to the advantage of the English Church; it seems reasonable to think that the Legislators verily intended, that the Oath should grasp that their Darling Model of Government and Worship, and make the security of the same inseparable from the Civil security of the Succession; That as their sacred and civil Governments are mutually blended together in their Exercise, they might be so to in their Security and Establishment: And as they could have no View of the Scruples of Scottish Presbyterians in their first framing of this Oath, being they were then nothing concerned with Scotland as an incorporated Province of their Realm; So it is not very probable that upon such a fore-sight they would have excluded the Security of their own Church out of a publick Oath, on purpose to gratify the Presbyterians, whom they love just as the Wolf doth the Lamb. 3. The Commission of the Kirk in their Humble Representation and Petition to the last Parliament of Scotland, are of the mind that the Particle (AS) reduplicates upon the Acts and includes 'em; for they say, Paragraph 5, Likewise we do humbly Represent, that in the second part of the Oath of Abjuration in favours of the Succession in the Protestant Line, there is a reference made to some Acts of the English Parliament, which every one in this Nation who may be obliged to take the said Oath may not so well know, and therefore cannot swear with Judgment. Now if the Particle (AS) had been only indicative of the Acts, wherein the Succession is Entailed upon Princess Sophia and the Heirs of her Body being Protestants, and not Reduplicative, making the Acts a part of the Oath, a Man might have sworn with Judgment, tho' he had never seen the English Acts, the Entailing of the Succession to the Family of

of *Hannover*, being as fully specified in the Oath, as it is necessary: But if the Reference made to these Acts be *Reduplicative*, and inclusive of the said Acts as a part of the Oath, then its certain a Man cannot swear with Judgment unless he have the Acts under Consideration as well as the Oath: And hence it appears, that the Commission thought the Reference made to the Acts did include them as a part of the Swearers Obligation. And I need not tell you that this Representation was approved by the ensuing General Assembly, and consequently this was the unanimous sense of the Church at that time; and there are not so many Years yet elapsed, that it should be out of the Memory of Man.

And after the Commencement of the Union, when the Oath began to be first imposed upon Civil Officers here, the Commission in their Letter to the Commissioners then at London, express themselves very fully to the same Purpose. Upon the Report of the Committee to consider the Letters to be written to the Church's Commissioners at London, brought in the 29 of September 1706. Wherein they lay, That as to the Oath of Abjuration, and the Inconveniencies of its being pressed upon the People of Scotland (Nota) in the Terms that now it stands, it was their Opinion, that the Commission should send up to the Commissioners at London, a distinct Account of the Grounds upon which several Presbyterians here do scruple to take that Oath, and to desire them to endeavour to get that Oath so conceived, as these Grounds of Scruples may be removed: The Commission writes to their Commissioners resident at London, Thus, Edinburgh, September 30. We have received from several Corners of this Church, such Accounts of the bad Consequences, with respect to the present Establishment, that ensue upon the pressing the Oath of Abjuration, AS IT IS PRESENTLY CONCEIVED, that we judge it necessary, that ye stay some time, and use your best endeavours to obtain some Remedy. You very well know what part of the Oath is stumbling to many very well affected to Her Majesty's Person and Government, and to the Protestant Succession, even as it contained in the Entail, to wit the Reference it hath to the second Act of Parliament therein mentioned, which contains several Qualifications of the Successor, particularly, That he shall joyn in Communion with the Church of England; which they conceive to be a part of the Oath; and this hath gone such a length already, that in many Shires and Burghs the very best affected to her Majesty's Government and our Establishment are laid aside, and put out of Capacity to do service to either; and others have come in their Place, who have all along appeared disaffected to the Government of Church and State. And a little after, they say, We are confident that upon due Information, the Queen and Parliament, for easing the Consciences of Her faithful and loyal Subjects here, and for preventing the said Consequences fore said; will be easily prevailed with, either to take away the Reference expressed in the Oath, and substitute in its Place the Entail mentioned in the Acts referred to, or make that part of the Oath, which contains the

Succession, no way to include, or reduplicate upon the foresaid Qualifications. In these Words of the Commission, I think, its plain, not only that the best affected to the present Establishment in Shires and Brughs had this Sense of the Oath, and were thereupon obliged to resign their places to others, who were worse affected thereunto (as those among the Ministry, who have refused it now, must do) but also that the Commission it self thought that the Qualifications of the Successor, were a part of the Oath: Else can it be supposed, that they would have desired their Commissioners at London, to use their best Endeavours to get it altered? Would they not rather have written to those that scrupled to take it, and shown them that they were Fools, to put themselves out of Capacity to serve the Church's Interest, by losing their Places upon a meer Mistake, and that the Oath had no Reduplicative Influence upon the Acts, and that the Qualifications of the Sovereign were none of their Business? 4. The Parliament of Scotland understood the Reference to be reduplicative upon the Acts, and the Limitation of the Crown to import more than the simple Entail of it to the *Hannoverian* Family; for upon January 10. 1707, there was an Overture brought in for an additional Clause to the 22d. Article of the Treaty, for explaining the Word (*Limitation*) mentioned in the Oath, appointed to be taken by Statute 13 William 3 Chap. 6. in these Terms, *Like as it is declared that by the Word LIMITATION in the Oath mentioned in the above Article is only understood Entail of the Succession, and not the Conditions of Government upon the Successor, And that all Persons of Scotland, who may be lyable to take the said Oath, swear it in that sense only.* Now if the Parliament had not thought, that the Reference did reduplicate upon the Acts, and that the Conditions of Government were comprehended under the Term (*LIMITATION*) in its most ordinary Sense, such an Explication as this Overture contains, had been wholly ridiculous and unworthy of the Wisdom of the Parliament. And if you think that the Reason, why this Overture carried in the Negative; was that it seemed nonsensical, frivolous, needless or ridiculous, you may consult *de Foe's History of the Union*, Part 3. Pa. 185. Where you will see, that none of these Reasons were urged against it in Parliament; but that it was really because, they understood, that the *English* would never consent to give such an ease to the *Presbyterians* in Scotland, for saith he, *The Reason urged in Parliament against explaining the Word Limitation, was that to put any Construction upon it, which might be inconsistent with the English Affairs, would be but to lay a Stumbling Block in the way of the Union; and therefore it was rejected.* 5. It appears, that the Particle [*AS*] reduplicates upon the Acts from the Debates of the *British* Parliament, about the altering of it into [*WHICH*] upon the Desire of the *Presbyterians*. You know very well, that there were several honourable Members of the House of Lords, that acknowledged the Scruples of the *Presbyterians*, were very plausible, and they condescended to send an

Overture

Overture to the Commons House for altering (AS) into [WHICH] This the Commons would by no Means consent unto, for this very Reason, That if (AS) was left out, the Church of England should have no Security from those that took the Oath, and some other Clause must be put into the Oath to make up that defect. Yea the Scruple seemed so reasonable to many of the Lords, that after the Alteration was rejected by the Commons, there were Fourty Members whereof Ten were Bishops, that voted to have it altered. Now if the Particle (AS) did not reduplicate upon the Acts, can it be supposed that these Lords would have taken so much Notice of it, as to vote for its Alteration. Had it not been sufficient for them to have told the Commissioners, who were urging the Alteration, Gentlemen, your Scruple is groundless and founded upon a Mistake of the Meaning of the Legislative Power imposing the Oath, for the Parliament does not understand the Reference, which the Oath makes to the Acts to be inclusive of the said Acts into the Obligation of the Swearer; nor do they intend to bind the Swearer to the Qualifications mentioned in these Acts, to be laid upon the Successor. Moreover if the Commons understood the Security of the Church of England to ly in that Reference, which the Oath hath to the Acts, as it appears they did, from the Reasonings of the House, against the Alteration of the Reference; 'tis certain they believed the Particle (AS) to be reduplicative, and inclusive of the Acts and Qualifications therein specified. 6. It appears, that the Acts referred to in the Oath are really a part of it, from this Absurdity that would follow upon the contrary Supposition, namely, That if the Acts were not a part of the Oath, the most essential Conditions of the established Succession should be left wholly destitute of that Security, which is intended by the Oath; as for Instance, That the Successor shall not marry a Papist, or if he do that, he has forfeited his Right to the Subject's Allegiance, as tho' he were naturally dead; That he or she shall take the English Coronation Oath, and such like, which are as Fundamental Limitations of the Entail, as that which is expressed in the Oath, nor will it be ing Protestants. 7. That those Acts, and the Qualifications of the Successor therein enacted, are really included in the Oath, appears from this, that notwithstanding all the Endeavours that have been used by the Established Church here, to obtain that little Courtesy of the Parliament, that the Acts and Conditions of Government might be declared to be no part of the Oath, yet they could never to this Day get it done in such a way, as in Law or Reason might validly remove the Scruple, which had been but a small Favour, and a very easie Business for the Government to have granted, if they did not really stand upon it as the best Security imaginable for the Church of England.

Now I refer it to your self, whether all these things I laid together and looked upon with an impartial Eye in their united strength, do not amount, if not to a precise Demonstration, yet to a strong Moral Evidence

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Hence and Consideration that these Acts and Conditions are comprehended
 in the Oath as a part of it? And if so, what a horrid Guilt does it
 bring upon Covenanting *Presbyterians* to swear that there shall never King
 or Queen Reign over these once Covenanted Kingdoms, but such as shall
 support and maintain, own and Countenance a Government, Discipline
 and Worship, which they believe to have no foundation in GOD's
 Word? It might formerly be the burden and Grievance of *Presbyterian*
 Ministers, as indeed it has still been since the Union of the Crowns, that
 their Sovereigns should be favourers of *Prelacy* and *Papish* Ceremonies;
 But the swearers of this Oath can no more have it for their Burden
 and Complaint, when they have sworn that they will have no other but
 such. It might be the earnest Petition of *Presbyterians* formerly at the
 Throne of Grace, that GOD would grant Reformation to *England*, and
 bless these Kingdoms with Zealous Reforming *Presbyterians* for their Magi-
 strates Supream and Subordinate; but with what face can a swearer of
 this Oath come with such a Petition in his Mouth before a Holy and
 Jealous GOD, when he knows he has sworn the contrary *heartily, willing-
 ly and upon the true Faith of a Christian*? Can a Man who thus takes this
 Oath be said to have the least desire to see that day, when *Prelacy* and
Superstition shall languish, die and wither and be no more; when he has
 sworn that so far as in him lyes, the Sun-shine of the Royal Favour
 placed as it were in the Center of the *English* Church, shall diffuse it self
 into all the parts thereof to enliven, nourish and strengthen it with renew-
 ed Life and Vigor to all succeeding Generations? *Quis talis
 fando speret & Eschyrus.*

V. Whether, beside all these things in the Oath it self, whereof some are
 dark and dubious, others Palpably sinful, there be not many Circumstances to
 be found in the way and manner of its Conveyance and Imposition, which may
 justly skunner the Stomach of a tender and Conscientious *Presbyterian* Mini-
 ster? For first it comes to be imposed upon the Subjects of *Scotland*, by ver-
 tue of the *Union Treaty*, the *English* having no Authority to impose their
 Oaths or Laws upon *Scotland*, but only by the Surrender which the Re-
 presentatives of *Scotland* made of their own and their Nations Power and So-
 verignty in that Union. 2. Its imposed by the Authority of *Bishops in Par-
 liament*, which the Commission in their Representation to the *Scottish Parlia-
 ment* Declared to be contrary to our known Principles and Covenants.
 3. It is enjoyned under the same Penalties and Disabilities upon Ministers,
 and upon all other Officers Civil and Military, which many think to be an
Erastian Imposition of the Magistrate over Ministers, as if in the Discharge
 of the Ministerial Function, they had the same specifick dependence upon the
 Sovereign that the Ministers of State have. 4. Its Equally imposed upon
Episcopalian Curates, and upon *Presbyterian* Ministers, the Tole-
 rated

1. Liberty of the one, and Established Security of the other, being equally
 Suspended upon the taking of this Oath. 2. It comes down upon Ministers
 Embodied into the *Toleration Act*, or *Bishopal Bill*, which according to the
 Commissions *Humble Representation and Petition to the Queen*, is called a
 large and almost boundless Toleration, not only threatening the overthrow
 of this Church, but giving a large License almost to all Errors and Blasphemy
 ies, and blowing up all good Discipline, to the Dishonour of GOD; and
 the Scandal and Ruine of the true Christian Religion. And very just-
 ly might the Commission call it so, for in this Act there is a Complication of
 many horrid Evils that never had peaceable Access into this Land from our
 first Reformation from Popery till now. It would be too tedious to Reckon
 them all up, and you know them no doubt better then I can pretend to
 do. I shall only Name the few following: The Perpetuating of the Office of
Bishops in Scotland, to grant orders to the Curates who are to Serve in Epis-
 copal Meeting Houses: The bringing in an unscriptural Popish Liturgy, and
 set Forms of Worship: The setting up a Church within a Church, and Altar
 against Altar, by the Approbation of Authority: The Repealing several Acts of
 Parliament, which the Act of Security had declared unalterable Branches of
 the Constitution: The Exceeing from Church censure, all Persons who shall
 pretend themselves to be of the Episcopal Communion. 2. The Enervating of
 the Established Discipline, by Discharging all Magistrates to contribute their
 Assistance towards the Prosecuting of Scandalous Persons, and declaring such
 as shall be Excommunicate to be free from any Civil pain, Forfeiture, or
 Disability upon that Account: The allowing all Hereticks and Erroneous Per-
 sons, save Popish Recusants, and denyers of the ever blessed Trinity, to Dis-
 seminate their Heresies and Errors, and forbidding them to be letted or
 Disturbed in their pretended Worship, under very Grievous Penalties: The
 obliging Ministers to pray in the express Words of the Parliaments Injuncti-
 on, for the Queen and Family of *Hannover*, every time they perform Divine
 Service, under the pain of three Years Deprivation for the third Fault.
 Now all these things being Involved in the Complex Circumstances of the
 Imposition of this Oath, is not the Acceptance and Swearing of the Oath by
 Ministers, a very formal Compliance with and Active Submission to all of
 them. Is it not at least a Virtual, indirect and Consequential Approbation of
 them? Is it not a confirming of the *Union*, which many I am sure of the Godly
 and well Affected in the Land think to be a sinful Treaty, the perhaps you may
 have different thoughts of it? Is it not an Active Submission and consent to
 the *Civil Power and Places of Kirk-men*, which the Commission thought their
 very silence might justly have been interpreted to be? Is it not a stooping to the
Magistrates Erastian demands it not a consenting to stand upon the same Founda-
 ing, and be of the same Lay with *Jacobite Curates*; and give the same Tests of
 Loyalty to the Government, as a foundation of holding the publick Exercise of

the Ministry: Is it not consenting to undergo the same Penalties with Popish Reculants, and which are so Enorbitant, that being imposed upon Presbyterian Ministers, they look very like the Old Fines declared against in the *Claim of Right*? Is it not an Approbation of the *Toleration Act*, with all its sad Ingredients and Consequents? For my part, I cannot see, but if a Man once by an Active Submission, owns the Lawfulness of the Act, wherein the Oath is enjoined in one particular, he must consequently Acknowledge the power of the Imposers to Enact all the other Particulars; and so he sustains them as Judges in one part of it, I believe they have as much *Logic* as to infer, that they may sustain themselves Judges of the equity of all the rest.

But because I am informed, that at the Swearing of the Oath you had some Protestation, Declaration, or call it as you please, which some of the *Parsons* read in write subscribed with their Hands, others only uttered by word of mouth to the *Justices of the Peace* the Administrators, containing an Explication of their sense of the Oath, and protesting against what they judged not Consistent to their Principles. Wherefore I must yet crave your patience a little, till I propose some further Doubts, and Difficulties that occur to me about that way of swearing.

If I would gladly be informed, whether you fairly and fully Protested, or (as that word sounds harsh) declared against taking of God's name in vain by swearing the Allegiance to the Queen so many times over, especially considering, that since the Revolution you had sworn to the Government twice before. It is somewhat strange, what should make Ministers swear the Allegiance to the Queen so often, with the same Breath when they have sworn it already. Every needless repeating of Oaths being undoubtedly sinful. *Nemo est qui frequenter jurat quin Aliquando perjurat* faith *Christians* upon *Matth. 5.* There is none that swears often, but he sometimes swears falsely. And *Pareus* in *Catech. Ursini* qui facile jurat, facile perjurat, who that easily swears, easily forswears. The same Author faith, Page 564 *frequentia iuramentorum sunt, que praestantur de rebus vobis recte cognitae, laetitiae, possibilibus, gradibus, necessariis, utilibus, & dignis, tam ut certa confirmatione, That these Oaths only are Lawful, which are made about things true, certainly known, Lawful, possible, weighty, needful, useful, and worthy of such and so great a confirmation.* And *Augustin's Exposition* of these words of our Lord, *I say unto you swear not at all, is worthy your notice* (*in lib. 1. contra Mendaces*) *disce non jurare impio ne occasione iurandi ad faciendam iram, vendam, veniatur, de facili facit ad confirmationem sine conscientia. In Perjurium deciduntur.* I say unto you swear not at all, either not, least by swearing an easiness in swearing be contracted, and if from easiness it come to a Custom, and from Custom Men fall into Perjury. On was it because you found some Limitation in the Allegiance, that it is conceived in this Oath whereas it had no Limitation before. For

my part I think it is as absolute yet as ever it was. But if you did not Protest against it as a profanation of the tremendous Name of *Jehovah*, did you not at least declare against the Impeachment thereby laid upon your own Names and Reputation. The renewing of your Allegiance necessarily infering a failure in the performance of the former swearing of it. Or at least did you not protest that this your Compliance should not be drawn in consequence or Example for the future, so as to oblige Ministers, without giving the least Umbrage of Disloyalty, to renew and repeat Oaths of Allegiance to one and the same Sovereign without necessity? I humbly conceive this was a Debt you owed to Posterity. And yet I have reason to think you forgot it, to say no worse, because it was wholly omitted by the Brethren of the Shire of *Edinburgh*, and by the Jurants of the *Synod of Glasgow*.

I I. Did you fairly, fully and explicitly protest, testify and declare, that your taking of the Oath should not be interpret to be a consenting unto, or approbation of the foresaid Evils contained in the way and manner of its Imposition; Namely the *Union Treaty* the *Toleration Act*, the *Legislative Power of Kirk Men*, &c. I am of Opinion this is the least you could do, in order to free your self of the most formall Consent to the *Toleration Act*, and to all the Breaches thereby made upon the *Act of Security*, and I am the rather inclined to fear that you have not had this courage and Honesty, because I find not any thing like it done by the *Jurant Brethren* at *Edinburgh*, *Lanerk*, *Dumbarton*, *Perth*, &c.

I I I. Whether you made any Limitations, Explications or Exceptions upon any other part of the Oath, save only that which respects the Security and Establishment of the Church of *England*? I find nothing else excepted against by the Speech which was made by Mr. C.,....rs in Name of the Ministers who swore it at *Edinburgh*, which I need not set down here, I doubt not but your self heard it delivered, being then in Town. Nor do the *Jurant Brethren* of the *Synod of Glasgow* except against any other part of it in their Subscribed Declaration, which that you may have the satisfaction of comparing it with yours, I shall here Transcribe faithfully, as I have it from the Authentick Subscribed Manuscript.

We Ministers of the Established Church of Scotland belonging to the Presbyteries of *Glasgow*, *Hamilton* and *Lanerk*, are come hither to take the Oath of Abjuration, now enjoined us, which the *Act of Security* for our Church Settlement, warrants us to understand and take onlie in a sense that is not any way contrary to, or inconsistent with the true Protestant Religion, Presbyterian Church Government, Worship, and Discipline Established by the said *Act*; conform to an Address from this Church to Her Majesty, and graciously received by her. And therefore declare, that we take it only in the said sense, and that we reckon our selves no way obliged from any thing in this Oath, to approve of, or support the Hierarchy and Ceremonies of the Church of *England*, or any thing contrarie to the said Presbyterian Church Government, Worship and Discipline. Conceiving the renewing of our Allegiance to Queen *ANN*: The Abjuring all Allegiance to the Popish Pretender, and our

Engagement to maintain the Succession in the Protestant Line, Settled in the Princely Sophia Electress Dutchess Dowager of Hannover, and the Heirs of her Body being Protestants; to be all the Obligations and Duties contained in the said Oath. And that it hath no Reference to any of the Qualifications of the Successor, not expressed in this Oath. This Declaration we have Subscribed with our Hands at Lanerk the 26th Day of October.

Having given you this Copy of the Declaration of the Synod of Glasgow, which I believe to be the fullest to the purpose you will allow me under Correction, to make the following Remarks upon it. 1. In this Declaration they say that the Oath hath no Reference to any of the Qualifications of the Succession, not expressed, in this Oath. The common sense of the Words and the Mind of the Imposers. (as I have said above and shown at some length) is that it hath a Reference to the Qualifications expressed in the Acts to which the Oath refers. And I leave it to your own Judgement, whether this be not a Contradiction. 2. They declare, That by taking this Oath to maintain the Succession as by Law Established, they reckon themselves no way obliged from any thing in this Oath to approve of, or support the Hierarchy and Ceremonies of the Church of England, or any thing contrarie to Presbyterian Church Government, Worship and Discipline. The Commission in the forecited Representation and Petition, speaking of the Abjuration Oath hath these Words: *As also there seems to us to be some Qualifications required in the Successor to the Crown which are not suitable to our Principles.* 'Tis plain the Commission understood these Qualifications to be comprehended in the Abjuration Oath, else it had been impertinent to have excepted against them with the same Breath, and in the same Paragraph wherein they are representing the danger of the said Oath, nay, if they had meant to represent the unsuitableness of these Qualifications to their known Principles, Abstractly without any View at their being included in the Oath, they behoved to have represented it as well with relation to the Qualifications required in the present Possessor as in the Successor. Hence it appears that the Commission, and consequently the Assembly, from which the Commission received extraordinary Thanks for their Conduct in that Affair, were of the mind that the Abjuration did contain some Obligation not suitable to Presbyterian Principles. And is not then this new Declaration a downright Contradiction to the Words of the Oath and the Churches own sense thereof? 3. In this Declaration they profess That there is no Obligation from any thing in the Oath to approve of, or support the Hierarchy and Ceremonies of the Church of England; but the Imposers have a far other sense of it, for the Commons, as was said, declare that they look upon the Security of the Church of England to ly in the Particle (AS) including the Acts whereby the Security thereof is effectually provided for, as appears from the Reasons by them adduced for rejecting the Amendment made by the Lords. And I would gladly see how any Man will reconcile these two senses, so as to free them of palpable contradiction.

4. They say, That the Act of Security warrants them, to understand and take the Oath only in a Sense that is not any way contrary to, or inconsistent with

the true Protestant Religion, Presbyterian Church Government, Worship and Discipline. And I desire to be informed by you, whether this Phrase does not imply, that the Oath has a Sense which is some way contrary to or inconsistent with the true Protestant Religion, &c. ? To me it seems to import no less, for I take the Particle (ONLY) to be Restrictive and Exclusive, now if they thought that the Words of the Oath bear no Sense contrary to, or inconsistent with the true Protestant Religion and Presbyterian Church Government, a Restriction and Limitation Restraining it only to a Sense that is no way contrary to the true Protestant Religion and Presbyterian Church Government, were wholly Superfluous, Childish and Ridiculous, and if they do indeed allow that there is any such Sense in the Oath, as is inconsistent with Presbyterian Principles, I desire to know how they will free themselves from Perjury and Contradiction in the taking of it ? From Perjury, in taking an Oath which is in any Sense whatsoever Inconsistent with their known Principles and Covenants ? And from Contradiction, in taking it in the common Sense of the express Words of the Oath, and yet declaring that they take it only in such a Sense as the Act of Security Warrants them to take it in ? Had they told us that the Word of GOD Warrants them to take it in any Sense, which the Words can be said to bear, and which they know to be the mind of the Imposers, and that the plain and common Sense of the Words without any *Explications* or *Limitations* of private Interpretation is agreeable with the Scope and design of our Covenants, and made the same appear from solid and convincing Reasons, they had said something for themselves, but how the Act of Security can Warrant them to understand an Oath in any Sense they please to put upon it, and to twine it about with private Glosses, to look as it had some consistency with Presbyterian Principles, I must ingenuously own I cannot apprehend. I think it deserves a particular Notice, and wants very much to be Explained, how the Union Act of Security can Warrant them to take the Oath only in such a Sense, as is not any way Inconsistent with the true Protestant Religion, Presbyterian Church Government, Worship and Discipline. The Act of Security as I take it, does indeed Warrant all the Scottish Subjects to refuse any Oath contrary to, or inconsistent with the present Presbyterian Establishment, and forever frees them from being lyable to any such Oath, Test, or Subscription within Scotland : But how that or any other Act of Parliament can Warrant any Man to take an Oath, which, in the common Sense and Understanding of the Words, is contrary to the said Presbyterian Establishment, only in such a Restrained Sense, as is not contrary thereto, I wish some *ædipus* would unfold ; for indeed it is a Riddle. Might not a Man by the same kind of Reasoning have taken the Oath of Supremacy, the Declaration, the Test ; and all the Oaths imposed by the late Tyrants, and when he had done, told the World that the Act Establishing the Reformation, and the solemn League and Covenant did Warrant him to take them only in a Sense that was not contrary to, or inconsistent with the said Reformation and Covenant ? And yet I hope you'll allow with me that such a Man would have imposed a Miserable cheat, upon his own Conscience. Let it be supposed that the Government should impose an Oath upon the Subjects of Scotland, obliging them to Acknowledge sup-

port and maintain the Queen's Supremacy, and headship over the Church
 (which not a few conceive to be implicitly couched in this present Oath, as a part
 of Her Dignity, which you Swear to support) might not they declare according
 to this way of Reasoning, that the *Act of Security Warrants them to take that
 Oath of Supremacy only in a Sense that is not contrary to Presbyterian Church
 Government*, and thereupon swallow down the whole Morfel? And yet I am
 sure, think you as you please, they would only mock GOD, cheat them-
 selves and gull others. I shall freely grant, that the *Act of Security frees the
 Subjects of Scotland from being lyable to any Oath inconsistent with Presbyterian
 Principles*, but are you sure that the imposing of the Abjuration, is no breath
 upon that Act? Has there been none made upon it since the commencement of
 the Union? Were not the passing of the *Episcopal Bill*, the *Restoring of Pa-
 tronages*, which the Synod of Glasgow and Air calls an *Enervating of the Estab-
 lished Discipline*, and an *unmaking of the whole Constitution*, pretty large
 gapes in that Hedge? And when a large and almost boundless Toleracion of almost
 all *Errours and Blasphemies*, as the Commission Phrases it, made an inroad into
 this Kingdom, notwithstanding this Act of Security, might not an Oath con-
 trary to the Presbyterian Establishment, find Room to come hand in hand
 alongst with it. The Act of Security does indeed Warrant the Subjects of
 Scotland to require, and expect that the Government should impose no Oaths
 upon them inconsistent with the Established Presbyterian Government, Wor-
 ship and Discipline, and to reject them when imposed; but if the Government
 does impose an Oath contrary to these, and any out of Cowardice and fear
 or to avoid the severe Penalties, do comply with it, does the Act of Security
 Warrant them to put their own private gloss upon it, contrary to the mind
 and Sense of the Imposers? I need not tell you, for your own Reading in-
 forms you better then I can do, that all *Protestant* and many *Papish Divines*
 and *Casuits* do agree, that all Oaths must be taken in the Sense and meaning of
 the imposers, in whose Favours they are contended, else there could be no se-
 curity obtained by them, and the holy Name of God should be taken in vain
 and the natural Bonds of Humane Society loosed and enervated; and therefore
 as Reason and Religion do require, that the Terms wherein an Oath is con-
 ceived, should be plain and easily Intelligible, that the Swearer be not Em-
 barassed with dark and dubious Words; so Conscience requires that they should
 be taken as the Swearer knows them to be meant by the Imposers, and if they
 be doubtful, the Imposers ought to Explain them how and what length they
 bind, as we find *Abraham* did to his Servant, *Gen. 24. 8*. And if they refuse
 then the Swearing is to be foreborn. And therefore to put a private Sense up-
 on Publick Oaths, whether it be done by writting as in this Declaration of the
 Synod of Glasgow, or only by Word of Mouth, as by the Ministers of the
 Shire of Edinburgh, when the same is not the Sense of the Oath, nor admitted
 into any publick Records of Parliament or Council, or declared amply and fully
 to be accepted by the Imposers, & then to subscribe them in *terminis* as offered,
 seems to be the most Effectual way that can be taken to flumble the Godly,
 and harden the Wicked in the present, and mock posterity in future Ages, who
 shall see the Oath subscribed *in terminis*, but not the Sense wherein they
 were

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were taken, and such juggling must needs be of very fatal Consequences, in any Man claiming the Character of a Minister of the Gospel. But they would persuade us that this Sense is no private gloss of their own, but conform to an Address from this Church to Her Majesty, and Graciously received by Her. The Tenor of the Address I know, and still thought it was too lame and defective a Representation of the just scruples of Presbyterians, against an Oath Calculate for the security of the English Hierarchy and Ceremonies, tho I shall not say but it was the best that might be presented; but as for the Reception it met with at Court, I want to be informed about it by you, whose Intelligence in Affairs of that Nature must be greater than mine. If my information be good, there was not one Word express by the Queen importing that the Oath did not bear any Reduplicative reference to the Acts settling the Succession, or any thing that could give the least ease to Presbyterian Subjects; anent the things scrupled at; nor can I see how it could be expected she could return any particular and positive Answer to the Church thereanent, seeing they tell Her only an of indefinite *something* that many scrupled at, but do not specify what it was. And seeing it is so that the Queen did not testify her Acceptance of the Churches Sense, to tell the World that their Address was Graciously received is only a handsome General to deceive the unconsidering sort, *doctus later in Generalibus*. I am persuaded had the Queen professed her Approbation of the Commissions Explication, the very Words she had express her self in, had been long ere this time throw every Corner of the Kingdom, and it would been more worth the while, to have told us them, than a Hundred such Home made Speeches and Declarations, which being only made before the Justices of the Peace, who had no Authority to put any new Sense upon the Oath, or to accept any Explanation or Limitation upon it, being only the Executioners of the Law, could avail nothing in Law or Reason, tho the Justices had admitted them into their Minutes; which I am informed they did not, but upon the contrary caused enter a Protest into the Minutes declaring that there were no Qualifications or Explications upon the Oath allowed or admitted *. And if so, I think these Explications can serve no more to Vindicate the Swearers either in the sight of GOD or Man, than had they Read them only at Home in their own Consistories or in their Bed Chambers to their Wives and Children.

IV. But after all, to consider these Declarations and Speeches a little more narrowly, besides the pitiful Way of delivering them, may not the very Design of them say to any indifferent Spectator, that that Prophecie, *Wisdom shall perish from the Wise, and Counsel from the Prudent*, is eminently fulfilled, in the Conduct of these Ministers, who swore the Oath, with such Explications? It cannot in Reason be thought, but that they had more of the *Casnist*, than

* Here follows the Copy of CARNWATH's Protestation against the Jurants Declaration
I Do Protest in my own Name, and in the Names of all the Judges of the Peace, that still adhere to the, that no Explication or Declaration from the Ministers of the Shire of Edinburgh, are been admitted by this Court, but that the said Ministers have sworn and signed the Oath of Abjuration in the plain unadorned Words.

Adherers. Sir. Deane of Woodhall. Alex. Brand of Caledonia. Sir. J. Baird of Saughtonhall.
 Wil. Foulis of Woodhall. Patrick Murray of Dewchar. Wil. Paterson of Gorton.
 Honourable Wm. Maitland of Craighall. James Oliphant of Langton. Mr. J. Smith, and others.

to be of Opinion, That a private Speech, or Paper could alter the Sense of a publick Oath? And I cannot allow my self, to believe a thing so improbable, as that Ministers, who are daily conversant with Divinity, should seriously imagine, That an Act of Parliament can qualifie an unlawful Oath, so as to render it lawful, or that an Oath taken by a Man, in the common Sense of the express Words, can be any way helped, or bettered by an Explication; nor can it be suppoled, that any of the Swearers, providing they intended to swear with Judgment, could be ignorant, either of the plain and common import of the Words, or yet of the Mind and Design of the Lawgivers: And therefore when they offered an Explication upon the Oath, which they either did see, or at least might easily have seen to be contrary, both to the Common Understanding of the Words themselves, to the Mind of the Legislators, to the Sense, which the Parliament of Scotland had of them, and also to the Sense wherein the Church had, but some two or three Years ago, declared she understood them; and yet to swear and subscribe these very Words with this express Declaration, that they sware and promised all these things according to the express Words spoken, and according to the plain and common Understanding of the same Words, without any Equivocation, or Reservation whatsoever, is to me the most direct *Swearing of Contradiction* in the World. And is not such a swearing of Contradictions, a most unworthy *Juggle* and *Jesuitical Sporting* with Conscience, not so much as once named among *Heathens, Turks or Barbarians*, and very *Perjurie in Terms*?

V. I would gladly be informed, with Reference to some other particular Circumstances of the Way and Manner of taking the Oath; as namely, whether there was not more Candor, Ingenuity & Honesty in the Conduct of those Ministers, who went briskly forward, and took the Oath publicly, at the *Quarter Sessions* in the Precincts where they lived, than in Yours, and that of some of the rest of your Brethren in this Synod, who having amused the People with an Opinion, that you would not take it, went notwithstanding and took it at *Edinburgh*, in a secret and clandestine Manner, where probably you hoped to hide your Counsels and Practices from your Congregations? I should think, that a Minister being to take a publick Oath, which he professes to take *Heartily, Willingly, and Truly upon the true Faith of a Christian*, needed not seek a Back-side, out of the View of his People, where he might take it with the less Observation, as if it were *Stolen Waters*, or *Bread eaten in Secret*: Or to put the best Face upon it that the Nature of the thing will bear, will you allow me and others to think, that it was some remaining Principle of Honesty and Conscience convincing you of the foulness of the Action; but over-born with a prevailing Love to the World, that made you shift places, and seek a skulking Hole remote from the View of the good People whom you know to be justly disgusted thereat? Where is upon the other Hand, some that took it more openly and frankly (as for Instance Mr. A n of D - - d) had by former contradictory Oaths, so scared their Consciences, and hardened their Faces, that like the Whore, they refused to be ashamed. Or finally was it only a Peice of *Loyalist Policy*, the sooner to retrieve your Credit with the People of your Parishes, whom for their

their too great Simplicity, some of your Brotherhood term, *The unthinking Pulgar*, as knowing that with them, especially that, *which is out of Eye, is out of Heart*, and what they see not is soon forgotten, : : : *Segnius irritant Animos demissa per Aurem, quam qua sunt Oculis subjecta fidelibus.* : : : : Whereas the others saw their Credit, so far cracked, that it was in vain to hope to mend it.

VI. Whether you can joyn in Presbyteries, Synods and Assemblies with those Ministers who refused to take the Oath, and who, because they dare not be so void of Conscience and Integrity, as to abjure the Presbyterian Principles in the Face of the Sun, have therefore, chused rather to suffer, than to give this Test of their Loyalty to the Government together with you? And whether your joyning with them in such Ecclesiack Courts may not come to be accounted some of those *Traiterous Conspiracies*, which you are bound by this Oath to disclose?

VII. Upon Supposition that you should consent to sit with them in such Judicatories, whether they have not all the Reason in the World, to refuse to sit and joyn with you, and the rest of the Abjuring Gang? Seing they are convinced in their Consciences, that the Oath does really contain an Obligation, That is *inconsistent with our known Principles and Covenants*, and upon that very Reason have refused it, as being assured that Suffering is more eligible than Sinning: And that therefore these who swear it, let them say what they please to the contrary, have really and in Fact abjured these *Principles and Covenants*, and so are under formal Perjury, at least to the Conviction of the *Non-jurants*; and if so, must be owned to be noways fit to bear Office in the Houle of GOD, And if you object the Act of the Assembly, enjoyning Amity and mutual Concord between those Ministers who had Light enough to take it (I conceive they should have laid Darkness enough) and those who wanted Clearness for taking it; I shall only put you in Mind, that it is but of Humane Authority, and binds no further than it is consistent with the Holy Scriptures, And I believe, some who went into it, did not take it under that Notion, as to oblige themselves, or others to joyn in all Duties and Interests, with the Takers of this Oath. Tho' Failings of humane Infirmary and daily IncurSION must not interrupt the Union of the People of GOD, yet I believe, none will affirm, That an Abjuring of Covenanted Principles, is to be reckoned of that Number.

VIII. And upon the same Ground, whither the Christian People, who were formerly under the Pastoral Jurisdiction, and Inspection of those Ministers, who have now taken the Oath, be not obliged from a Conscience of Duty, and a Love, I hope, many of them bear to the Covenanted Reformation of Religion, to disown them for their Guides; and rather to go 20 Miles (if need so require) to hear such Ministers as have honestly refused to Abjure their *Covenanted Principles*, and walk consonant thereunto, by not joyning with the unlawful Courses that others take, than to subject to, and acknowledge the Swearers, as the Ministers of Jesus Christ? And whether such Ministers, or People, as are convinced of the evil of this Oath, and yet joyn in Acts of Jurisdiction, or Worship with the Swearers, are not *Socij criminis*, Partakers of the same Guilt, with those that have taken it? For my part I see not, but

that they must needs be so, and more deeply guilty; because they have a greater Conviction of the disorderliness of their Practice, if so be they own countenance & adhere to them, as spiritual Brethren and Guides, as *Fellow Labourers* in the Work of the Gospel, and *Stewards of the Mysteries of GOD*, seeing it is the Apostle's express Command, *in the Name, and by the Authority of the LORD Jesus*, that Christians withdraw themselves from every Brother that walketh disorderly.

IX. And therefore, that the People may have Opportunity of hearing faithful Pastors, whether it be not the indispensable and bounden Duty of all the *Non-jurant Ministers*, who love the Interest of Christ in the Land to continue constant in the Exercise of the Ministerial Duties, so long as they can sur-
vive Persecution; And at this Juncture to set the Trumpet to their Mouth, and give faithful and distinct Warning, cost what it will; And to be instant, as well now when it may be thought *out of season*, in the Sense of the Government, and perhaps of the Jurant Brethren too, as before, when it seemed *in Season*; and so to fulfil the Ministry which they have received of the *LORD Jesus*? For my part, as yet, till I be corrected by better Judgments, I cannot see, but that it is absolutely necessary, that those Ministers approve themselves thus faithful to their LORD and Master, and evidence that they have indeed received their Commission from him, by refusing to lay it down at the *Eraastian* Commands of the State, and that those who profess themselves, to have been desirous formerly to give a Testimony against publick Sins, had it not been their Opinion, That the unanimous Deed of the Church tho' lame and defective, was more valid than private Testimonies, may be now more plain and explicate against these publick Sins, when the unanimous Consent of the Church can be no more expected. This I heartily wish, all such Ministers would consider; and because I can do no more in my Station, I desire to make it a Petition at the Throne of Grace, That the *L. O. R. D.* in Mercy to this Land, would impress the full Persuasion of the necessity thereof upon their Hearts; That they may be honoured to be *Repairers of the Breach and the Restorers of Paths to dwell in.*

Thus, Sir, I have presumed to lay before you some of my Difficulties, anent this Oath, with ingenuous Freedom; if the Method be not so very accurate, I hope your Goodness will easily pardon that, and you'll have nothing the less regard to the matter, for some Escapes in the form. I expect your Answer with the same Candor and freedom, according to your usual Temper and Moderation, whereby you are inclined to measures of Amity and Friendship even with the known Enemies of the Presbyterian Government, and if your Professions deserve Credit, cannot but be much more so with the Friends thereof, of which Number I assure you I am. And I humbly conceive you are so much the more Interested to take Notice of these difficulties, because they are the common scruples of the most Judicious and best affected Christians in your Parish, no less than mine. If you deny me the favour of a satisfying Answer, you will oblige me to send these my difficulties further Abroad, to have it from some other, but if you'll be pleased to Vouchsafe me the Courtesie you will put upon me a singular Obligation always to maintain the quality of
November 17, 1712. S I R, Your humble Servant.



